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Governor

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Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail – Return Receipt Requested

October 27, 2017

Mr. Gordon Skarsgard
Skarsgard Construction
8220 San Pedro Dr NE
Albuquerque, NM 87113

**Re: Beckner Road Improvements; Unpermitted Discharge/CGP; SIC 1542; NPDES
Compliance Evaluation Inspection; NPDES #NMU001945; September 27, 2017**

Dear Mr. Skarsgard:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
Environmental Protection Agency, Region 6
NPDES Enforcement Branch 6EN-WS
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Program Manager
New Mexico Environment Department
Surface Water Quality Bureau (N2050)
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

October 27, 2017

Page 2 of 2

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Carol Peters-Wagon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN) by e-mail
Darlene Whitten-Hill, USEPA (6EN) by e-mail
Robert Italiano, NMED District II by e-mail
Albert LaFebre, Skarsgard Construction by e-mail
Tim Slatunas, Superior Stormwater by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 0 <input type="text" value="0"/> 1 <input type="text" value="1"/> 9 <input type="text" value="4"/> 5 <input type="text" value="5"/> 11 <input type="text" value="1"/> 7 <input type="text" value="0"/> 9 <input type="text" value="2"/> 7 <input type="text" value="17"/> 18 <input text"="" type="text" value="S"/> 20 <input type="text" value="2"/>					
Remarks					
<input type="text" value="C"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value="S"/> <input type="text" value="T"/> <input type="text" value="R"/> <input type="text" value="U"/> <input type="text" value="C"/> <input type="text" value="T"/> <input type="text" value="I"/> <input type="text" value="O"/> <input type="text" value="N"/> <input type="text" value=">"/> <input type="text" value="5"/> <input type="text" value="A"/> <input type="text" value="C"/> <input type="text" value="R"/> <input type="text" value="E"/> <input type="text" value="S"/>					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69	70 <input type="text" value="2"/>	71 <input type="text" value="N"/>	72 <input type="text" value="N"/> 73 <input type="text" value=""/> <input type="text" value=""/> 74 <input type="text" value=""/> 75 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	80	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 9:45AM 9/27/17	Permit Effective Date February 16, 2017
Beckner Road Improvements Beckner Road, Santa Fe 87508 Santa Fe County	Exit Time/Date 12:30 PM 8/3/17	Permit Expiration Date February 16, 2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Albert LaFebre/Project Manager/505-803-3759 Tim Slatunas/Green Globe/505-433-3693 Carlos Flores/Green Globe/505-433-3693	Other Facility Data 32.3535°N, 106.7684°W SIC 1542	
Name, Address of Responsible Official/Title/Phone and Fax Number Gordon Skarsgard/Owner/505-803-3757 8220 San Pedro Dr NE Albuquerque, NM 87113	Contacted Yes <input type="text" value=""/> No <input checked="" type="text" value="x"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached sheets.

Name(s) and Signature(s) of Inspector(s) Jennifer Foote /s/ Jennifer Foote	Agency/Office/Telephone/Fax NMED/SWQB 505-827-0596	Date 10/27/17
Signature of Management QA Reviewer Sarah Holcomb, Program Manager /s/ Sarah Holcomb	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 10/27/17

**Beckner Road Improvements
Compliance Evaluation Inspection
Construction General Permit
NPDES Permit NMU001945
Date of Inspection: September 27, 2017**

Introduction

On September 27, 2017, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote, accompanied by Daniel Valenta, both of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB), at the Beckner Road Improvements. The purpose of this inspection was to document the facility's status regarding the federal Clean Water Act (CWA) Section 402 and National Pollutant Discharge Elimination Program (NPDES) storm water regulations at 40 Code of Federal Regulations Part 122.26 and Construction General Permit (CGP).

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

Inspection Details:

Inspectors Jennifer Foote and Daniel Valenta met Mr. Albert LaFebre of Skarsgard Construction at the jobsite trailer located in the staging area around 10 am and presented credentials and discussed the purpose of the inspection. They reviewed the SWPPP, and then toured the site with Mr. Tim Slatunas and Mr. Carlos Flores of Superior Stormwater Service, the SWPPP Contractor, followed by an exit interview.

Observations:

This Project includes the extension of Beckner Road from the first traffic circle to Richards Avenue. Area included in the plan does not include the staging area which is used by multiple projects. BMPs have been left on Beckner Road from a previous project. There are many projects occurring in the area in various stages of construction. On the day of the inspection, the entire road had been paved. Some areas were in process of landscaping, and road shoulders had been temporarily stabilized with a soil tackifier.

Findings

1. Permit

40 Code of Federal Regulations Part 122.21(a) Duty to apply (1) states "Any person who discharges or proposes to discharge pollutants ...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."

Part 7.1 of the permit requires:

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

Part 7.2.1 of the permit requires:

Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

The Beckner Road Improvements Project was covered under the 2012 CGP permit NOI tracking number NMR12BC76 for Operator James Siebert and Associates and certified by Gordon Skarsgard. The SWPPP and 2012 NOI had several companies listed and was unclear on relationships. The SWPPP was updated 11-16-15 and 3-8-16 to reflect revised owner information to Jason Skarsgard from James Siebert and Associates, a new or revised NOI was not filed. The SWPPP was certified by Gordon Skarsgard as Las Soleras Center, LLC as owner and operator, the SWPPP description of owners and operators lists Jason Skarsgard as Operator and Victoria Dalton as Siebert Contact and Gordon Skarsgard as Owner.

The 2012 permit expired and as operators of an existing site, the operator had not applied for coverage under the 2017 CGP by the required date of May 17, 2017. The owner and operator must update the SWPPP and apply for permit coverage under the 2017 CGP and update the public posting.

2. SWPPP:

7.1 GENERAL REQUIREMENTS: All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI. The SWPPP must be kept up-to-date throughout coverage under this permit.

Part 7.2.3 Nature of Construction Activities. Include the following: d. A description of any on-site and off-site construction support activity areas covered by this permit;

Part 9.4.1.c.i: For all sites, the operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will assure that the applicable standards or TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

The area included in the plan does not include the staging area which is used by a contractor working on several projects in the Las Soleras common plan of development area.

The NOI documented eligibility for the permit under Criterion C for Endangered Species Act purposes, the plan stated it was under Criterion A and no documentation was present to confirm that the process outlined in Appendix D of the permit (the ECOS process should result in a printable document) was used. No documentation was present in the SWPPP to indicate that the process in Appendix E had been followed for NHPA considerations.

A RUSLE evaluation was documented in the SWPPP, but was not specific enough to document actual BMPs chosen for the project based on soil type and rainfall frequency.

The BMP installation log only had one entry, the grading and stabilization activities log were blank. The site map did not show locations of inlet protection.

3. *Inspections and Corrective Actions,*

Part 4.3 INCREASE IN INSPECTION FREQUENCY FOR SITES DISCHARGING TO SENSITIVE WATERS.

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), instead of the inspection frequency specified in, you must conduct inspections in accordance with the following inspection frequencies: Part 4.2

Once every seven (7) calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

Part 4.7.2 Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

Part 5.4.2 Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

Part 5.4.3 Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.

The SWPP stated Inspection frequency would be once every 14 days and within 24 hours of a 0.25" rain event from Oct 1 through June 14 and every 7 days and within 24 hours of a 0.25" rain event from June 15 through September 30th. Because of the discharge to a Tier 2 waterbody, inspections must be occurring weekly and within 24 hours of a 0.25" rain event.

There was no documentation of rainfall at the site included in the SWPPP. The inspector obtained precipitation information from CoCoRaHS Station NM-SF-82 located at Lat: 35.624572 Lon: -106.011573. Since May 17, 2017, the following rain events over .25" were documented:

Date	Precip in.
06/03/2017	0.37
07/14/2017	0.86
07/28/2017	0.91
08/12/2017	0.40
08/21/2017	0.40
09/24/2017	0.50
09/27/2017	0.35

Inspections were performed on 5/17/17, 5/31/17, 6/14/17, 6/28/17, 7/28/17, 8/8/17, 8/23/17, 9/6/17, 9/20/17. Inspections were not performed at the frequency required by the permit or as described in the plan.

Inspections and corrective action reports were not signed. Dates that corrective actions were completed were not noted on the corrective actions log attached to each inspection, though some dates were documented on the site map. The dates noted on the corrective action log often were not the date the corrective action was first noted, but the date of the current inspection.

4. *Training*

The SWPPP states in section 3.3 that: The SWPPP Operator is responsible for conducting training of personnel working on the site in accordance with the requirements of Part 6 of the CGP.

No training had been documented.

5. *Implementation*

The permit states in section 2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS: You must design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities.

BMPs have not been adequately maintained or installed (Photo 3-8. Attachment 1)

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Google	Date: 2017	Time: n/a
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: aerial view of project		



NMED/SWQB
Official Photograph Log
Photo # 2

Photographer: Jennifer.Foote

Date: 9-27-17

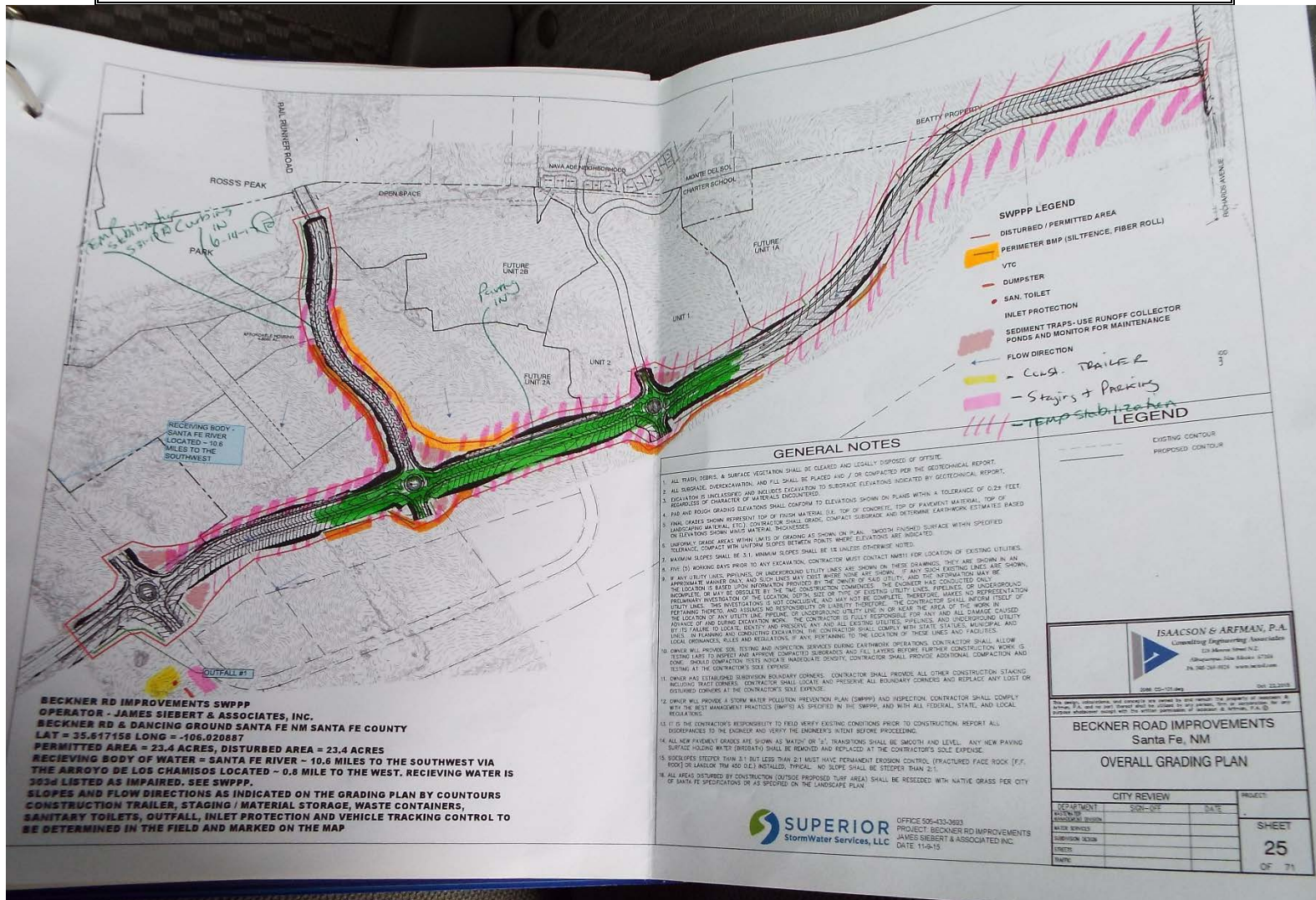
Time: 10:19 am

City/County: Santa Fe/Santa Fe

State: New Mexico

Location: Beckner Road Improvements Project

Subject: Site map with BMP markings



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: Concrete washout at staging area needs to be emptied, concrete washout on ground		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: uncovered dumpster at staging area		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: storm drain with sediment and debris and no protection at staging area entrance		



NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: functional inlet protection, need to remove sediment		



NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: no BMPs on downhill side of disturbed soils		



NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Daniel Valenta	Date: 9-27-17	Time: Approx 10:30 am
City/County: Santa Fe/Santa Fe		State: New Mexico
Location: Beckner Road Improvements Project		
Subject: inlet with inadequate protection		



Attachment 1

Corrective action log attached to 9/20/17 inspection

Skarsgard Beckner Rd Improvements NMR12BC76



Corrective Action Log

Location	Corrective Action Needed	Date and Time Noted	Date Completed	Initials
Construction yard	Need Empty Portable Concrete washout bin. Also, and clean spoils around container.	9-20-2017 11:44 A.M.		
Rail runner South to Jaynes Presbyterian South entrance Hospital	Sweep West and East sides of Blvd For Debris.	9-20-2017 11:44 A.M.		
Staging Area	Need to refresh the tracking control at the staging area.	9-20-2017 11:44 A.M.		
Westside from Walking rain to Rail runner	Need to sweep.	9-20-2017 11:44 A.M.		
Concrete Washout area	Remove pile of Asphalt.	9-20-2017 11:44 A.M.		
N/E New paved area	Remove or stabilize Dirt stock piles.	9-20-2017 11:44 A.M.		
Southeast side of Los Soleras.	Remove or stabilize Dirt stock piles.	9-20-2017 11:44 A.M.		
North of Rail runner	Clean inlet protection.	9-20-2017 11:44 A.M.		
North West of Los Soleras.	Clean inlet protection.	9-20-2017 11:44 A.M.		
South of Los Soleras	Clean inlet protection.	9-20-2017 11:44 A.M.		
East and West of Presbyterian parking lot.	Clean inlet protection.	9-20-2017 11:44 A.M.		
North of Walking Rain	Repair inlet protection.	9-20-2017 11:44 A.M.		
Northeast of Rail runner	Repair inlet protection.	9-20-2017 11:44 A.M.		

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Owner: _____
Name Signature Date